

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
UNITED STATES COURTHOUSE
500 PEARL STREET
NEW YORK, NY 10007

NAOMI REICE BUCHWALD
UNITED STATES DISTRICT JUDGE

(212) 805-0194

May 11, 2020

Robert J. Hantman
Hantman & Associates
1120 Avenue of the Americas
New York, NY 10036

RE: United States v. William McFarland
17 Cr. 600 (NRB)

Dear Mr. Hantman:

This afternoon, after Mr. McFarland's petition for compassionate release was ripe for review and after chambers inquired last Thursday as to whether the Court should expect any further submissions and was informed that no further filing by counsel would be made, a filing was made stating that the petition was withdrawn without prejudice. While the Court recognizes that it has no power to compel a petitioner to proceed with an application, this obvious effort to avoid a negative result cannot go without comment. The Government's response was filed on April 28, 2020 and ample time passed before today for petitioner to reply or withdraw his petition. To wait until today was simply unprofessional. Like my colleagues, the undersigned has recognized the time sensitivity of applications for compassionate release and thus has always been ready to act when the thirty (30) day exhaustion period has expired. This case was no different. Hence, the outreach to counsel last Thursday and the existing full draft of an opinion. There are enough pressures on everyone at this time without having to work on a matter that a party chooses to pull after the matter is ripe for decision and is obviously on the Court's radar.

Very truly yours,

A handwritten signature in blue ink, reading "Naomi Reice Buchwald".

Naomi Reice Buchwald
United States District Judge

Cc: AUSA Kristy Greenberg
U.S. Attorney's Office
Southern District of New York
One St. Andrew's Plaza
New York, NY 10007